

ENTERED

November 30, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

JOSE CARLOS GUAJARDO,

Plaintiff,

VS.

BURGER KING FRIES RESTAURANT
MANAGEMENT, LLC,

Defendant.

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CIVIL ACTION NO. 2:20-CV-00172

ORDER ADOPTING MEMORANDUM AND RECOMMENDATION

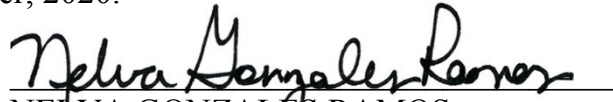
Before the Court are two motions to dismiss filed by Defendant, complaining that Plaintiff failed to properly plead his case. D.E. 13, 14. On October 20, 2020, United States Magistrate Judge Julie K. Hampton issued her “Memorandum and Recommendation” (D.E. 22), recommending that the Court construe Plaintiff’s pleadings as alleging claims under the Americans with Disabilities Act (ADA). Consequently, the Magistrate Judge recommends that the Court deny both motions to dismiss. The parties were provided proper notice of, and opportunity to object to, the Magistrate Judge’s Memorandum and Recommendation. FED. R. CIV. P. 72(b); 28 U.S.C. § 636(b)(1); General Order No. 2002-13. While Plaintiff filed a note apparently expanding on his claims, no objections have been timely filed. *See* D.E. 24.

When no timely objection to a magistrate judge’s memorandum and recommendation is filed, the district court need only satisfy itself that there is no clear error on the face of the record and accept the magistrate judge’s memorandum and

recommendation. *Guillory v. PPG Industries, Inc.*, 434 F.3d 303, 308 (5th Cir. 2005) (citing *Douglass v. United Services Auto Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996)).

Having reviewed the findings of fact and conclusions of law set forth in the Magistrate Judge's Memorandum and Recommendation (D.E. 22), and all other relevant documents in the record, and finding no clear error, the Court **ADOPTS** as its own the findings and conclusions of the Magistrate Judge. Accordingly, the Court construes the complaint as alleging a claim under the ADA and Defendant's motions to dismiss (D.E. 13, 14) are **DENIED**.

ORDERED this 30th day of November, 2020.


NELVA GONZALES RAMOS
UNITED STATES DISTRICT JUDGE